

## United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

Lee Carlos Lopez  
A202 135 790  
United States Citizen

YOB:

PRINCIPAL  
1982

United States District Court  
Southern District of Texas  
FILED

OCT 31 2014

## CRIMINAL COMPLAINT

Case Number:

M-14-2109-M

Clerk of Court

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 29, 2014 in Starr County, in the Southern District of Texas defendants(s) did,  
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact Cesareo Atlatenco-Luna, citizen and national of Mexico and Maria Nicolasa Hernandez-Nolasco, citizen and national of El Salvador, along with five (5) other undocumented aliens, for a total of seven (7), who had entered the United States in violation of law, did knowingly transport, or move or attempts to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Rio Grande City, Texas to the point of arrest near Rio Grande City, Texas,


in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY  
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On October 29, 2014, Agent B. Lowrance was operating a scope truck equipped with night vision camera. At approximately 8:55 p.m., he observed approximately nine subjects run from the river towards a neighborhood in Rio Grande City, Texas. This area is approximately 100 yards from the Rio Grande River and is notorious for alien and narcotic smuggling. This information was relayed over the radio to other Agents. Shortly after, a concerned citizen reported several subjects being picked up by a white Chevrolet pickup truck behind the new Rio Motors car dealership which is located directly north of the same neighborhood. This information coincided with the information that Agent B. Lowrance had relayed.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved  


  
Signature of Complainant

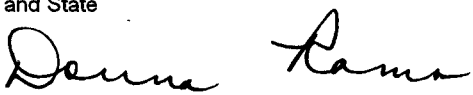
Sworn to before me and subscribed in my presence,

Eduardo Cortez Senior Patrol Agent  
Printed Name of Complainant

October 31, 2014  
Date

at McAllen, Texas  
City and State

Dorina Ramos U. S. Magistrate Judge  
Name and Title of Judicial Officer

  
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

**ATTACHMENT TO CRIMINAL COMPLAINT:**

**M-14-2109-M**

**RE: Lee Carlos Lopez**

**A202 135 790**

**CONTINUATION:**

Agent R. Rodriguez who was in the area, observed a white Chevrolet pickup truck, matching the description, quickly pull out of the entrance of the neighborhood onto Highway 83 and head westbound. There is only one street to enter and exit the neighborhood. Agent R. Rodriguez also noticed there were at least 4 persons in the back seat and the vehicle was riding low from the rear. Agent proceeded to conduct a vehicle stop to determine the alienage on its occupants but the vehicle failed to yield and a pursuit ensued. The pickup truck immediately accelerated and ran a stop sign. During the pursuit, the pickup truck drove through an alley at unsafe speeds of an estimated 60 M.P.H. in a residential area. The alley was a dirt road and was laden with many potholes which made it difficult to follow. Moments later, all the aliens exited the vehicle and then the vehicle proceeded to flee the area. With the assistance of DPS Troopers the pickup truck was finally stopped.

The driver, was identified as Lee Carlos LOPEZ, a United States Citizen. LOPEZ was immediately placed under arrest and his Miranda Rights were read. Responding Agents were able to apprehend a total of 7 undocumented aliens in area where the pickup truck had unloaded.

During a search incident to arrest, DPS Troopers discovered two marijuana joints. It was also discovered that LOPEZ did not have a valid driver's license. Upon closer inspection, DPS Troopers noticed the tires on the truck had almost no tread on them. LOPEZ was cited by DPS Trooper K. Galyon for Possession or Delivery of Drug Paraphernalia, Driving while License Invalid, and for All Other Tires Less Than 2/32 of an Inch. All subjects were taken into custody and transported to the Rio Grande City Border Patrol Station for processing

**PRINCIPAL'S STATEMENT:**

Lee Carlos LOPEZ stated that he was hired by a man known as Chino to transport illegal aliens from a neighborhood to a house in Rio Grande City, Texas. Chino was going to pay him \$400. LOPEZ stated he had Chino's phone number on his cell-phone but he tossed out the window during the pursuit. LOPEZ stated that he was the one who approached the group and instructed them to get into his vehicle. LOPEZ stated that he ignored the lights and sirens when Border Patrol attempted to stop him because he wanted to get away.

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**CONTINUATION:**

**MATERIAL WITNESSES STATEMENTS:**

Once at the Border Patrol Station, both of the material witnesses were advised of their Miranda Rights. Both stated that they understood their rights and were willing to provide a statement without the presence of an attorney.

1-Cesareo ATLATENCO-Luna stated that he is a citizen and national of Mexico. He made smuggling arrangements with an unknown smuggler in Camargo, Tamaulipas, Mexico. He agreed to pay the \$3,500 to be smuggled into the United States. After his group was smuggle into the United States, one of the foot-guides pointed in the direction where they were to get into an awaiting white truck. When the group got into the white truck, the male driver instructed them he only wanted three heads to be visible. As they drove away, the diver told them that Border Patrol was following them. Once the driver saw the emergency lights behind, he told them "hang on" and began driving aggressively, making fast turns that made the vehicle tires screech. The driver continued driving through rough roads and eventually came to a stop, where he told them to get out. Shortly after, Border Patrol arrived and apprehended them. ATLATENCO identified LOPEZ in a photo lineup as the driver of the vehicle.

2-Maria Nicolasa HERNANDEZ-Nolasco stated that she is a citizen and national of El Salvador. Her family paid \$3, 500 out of the \$7,000 in smuggling fees so she would get smuggled to New Jersey. On October 29, 2014, her group was smuggled by raft into the United States. After they were smuggled into the U.S., her group ran towards a neighborhood where a white pickup truck stopped and the male driver told them to get in. The driver told her to get in the front seat. HERNANDEZ further stated that the driver mentioned that there were Border Patrol units behind him and that the driver said that they were going to run for it. HERNANDEZ then stated that the driver accelerated and was driving very crazy making lots of turns and braking a lot until they came to a stop. The driver then told everyone to run but that she was not able to open the passenger door. so she asked the driver for help. Since she could not open the door